

UNITED STATES DEPARTMENT OF COMMERCE

Patent and . Jemark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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	APPLICATION NUMBER	APPLICATION NUMBER FILING DATE FIRST I		IRST NAME	ED APPLICANT		ATTY, DOCKET NO		
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							EXAMINER	7	
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		270 MADISON NEW YORK NY	10016-0601			<u> </u>		<u>ن</u>	
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			OFFICE AC	TION S	SUMMARY				
刘	Responsive to commu	nication(s) filed on		1/23/1	(=			
	This action is FINAL.								
	Since this application i	is in condition for all	owance except for fr	nemal m	others presention	on to the morite	le alocad in		
_	accordance with the p					as to the ments	is closed iii		
Disp	6(a). position of Claims				·				
	Claim(s)								
	Of the above, claim(s) Claim(s)						vn trom consi is/are allov		
_1	Claim(s)						is/are reiec	ted.	
	Claim(s)						s/are objecte	d to.	
X	Claim(s)		1-82		are sub	ject to restriction o	r election red	quirement.	
App	lication Papers						•		
	See the attached Notic	e of Draftsperson's	Patent Drawing Rev	/iew, PT	O-948.				
	The drawing(s) filed or	1			is/are objected to	by the Examiner.			
_	The proposed drawing			 -		is	disap 📗 d	proved.	
	The specification is ob The oath or declaration	•							
	The Oath of Geclaration	i is objected to by ti	ie Examiner.						
Prio	rity under 35 U.S.C. §	119							
<u> </u>	Acknowledgment is ma	ade of a claim for fo	reign priority under 3	35 U.S.C	C. § 119(a)-(d).				
	All Some*	None of the CE	ERTIFIED copies of t	he prior	ity documents have	been			
1	received.								
į		•	ode/Serial Number)			·			
1	received in this na	tional stage applica	tion from the Interna	tional B	ureau (PCT Rule 17	'.2(a)).	-		
*(Certified copies not rec	elved:							

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). ____ ☐ Interview Summary, PTO-413

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

☐ Notice of Reference Cited, PTO-892

Attachment(s)

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES--

U.S. GPO: 1996-404-496/40517

PTOL-326 (Rev. 9/96)

Art Unit: 1802

DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, drawn to a method of producing a first layer electrode membrane,
 classified in class 427, subclass 58.
 - II. Claims 22-50, drawn to a method of producing a second layer electrode membrane, classified in class 435, subclass 4.
 - III. Claims 51-61, drawn to a method of producing a second layer electrode membrane, classified in class 427, subclass 58.
 - IV. Claims 62-82, drawn to a first layer membrane electrode combination and biosensor, classified in class 422, subclass 82.01.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Group I and II produce different products and thus have different effects.

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3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Group I and III produce different products and thus have different effects.

- 4. Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group I is not for making the apparatus/biosensor of Group IV.
- 5. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Groups II and III are directed to producing two different layered electrode membranes.
- 6. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they

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have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group II is not for making the apparatus/biosensor of Group IV.

- 7. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group III is not for making the apparatus/biosensor of Group IV.
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a diligently-filed petition under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

11. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Chris Chin whose telephone number is (703) 308-3991. The examiner can

normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be

reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Housel, can be reached on (703) 308-4027. The fax phone number for this

Group is (703) 308-4227 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-0196.

chin/cc

July 3, 1997

CHRISTOPHER L. CHIN PRIMARY EXAMINER

Christopher L. Chin

GROUP 1800